

Potash and Perlmutter---They Discuss Lawyers

By Montague Glass

"Yes, Mawruss, the people I like to deal with are those that may I wouldn't argue with you, or have it your own way, or even whatever you say goes, y'understand." Abe Potash said the morning after he had been released from two weeks of jury duty. "But that's the kind of people lawyers don't like. If anyone says, 'It's a lovely day today,' to a lawyer, y'understand, before the fellow gets through saying it, he understands the lawyer is already clearing his throat to give him an argument."

"Unless he would be one of them office lawyers that balls up real estate transactions and reorganizes railroads, y'understand," Morris Perlmutter said, "which if someone says it's a fine day to such a lawyer, Abe, he would refuse to give an opinion one way or the other until he had a chance to go into it more thoroughly with his partner. Then after the two of them looked it up in Glinzburg on Domestic Relations, y'understand me, he would write you a letter to the effect that it was a fine day in New York under section 443 of the Code of Civil Procedure, but that in a case in California, Thomashefsky v. The Imperial Valley Fruit Packers Association, 114 Dushkind, 332, it was held that if somebody says, 'It's a fine day,' the burden of proof is on the plaintiff, and enclosed please find bill and oblige."

"Well, I never could see no sense in getting advice from an office lawyer, Mawruss," Abe commented, "because sooner or later you would be obliged to hire a trial lawyer who could put up a big front before a judge and make good the bluff that the office lawyer threw when he told you nobody could do you nothing if you followed his advice, y'understand."

"Say!" Morris exclaimed. "Any one who is fixing to do something that has got to be passed on by a lawyer in advance, Abe, is headed for a lawsuit anyhow, so he might just as well do it first and get his advice afterwards."

"Well, certainly there is times when a lawyer comes in very handy like collecting bills and foreclosing mortgages and the like," Abe said, "but when two business men got an honest dispute which they couldn't settle except by a lawsuit, Mawruss, they should ought to be good sports and cut for it aces low, or match coins for it, best two out of three, y'understand, because even if the dispute ain't honest and one of the parties is trying to do the other, Mawruss, when the lawyers get through with the jury, nobody could tell which is more crooked, the plaintiff or the defendant. In fact, Mawruss, with most of them cases I listened to last week in city court, it was my idea that the jury should bring in a verdict for the full amount to be divided equally among the plaintiff and the defendant, the plaintiff and the defendant should split the check fifty-fifty."

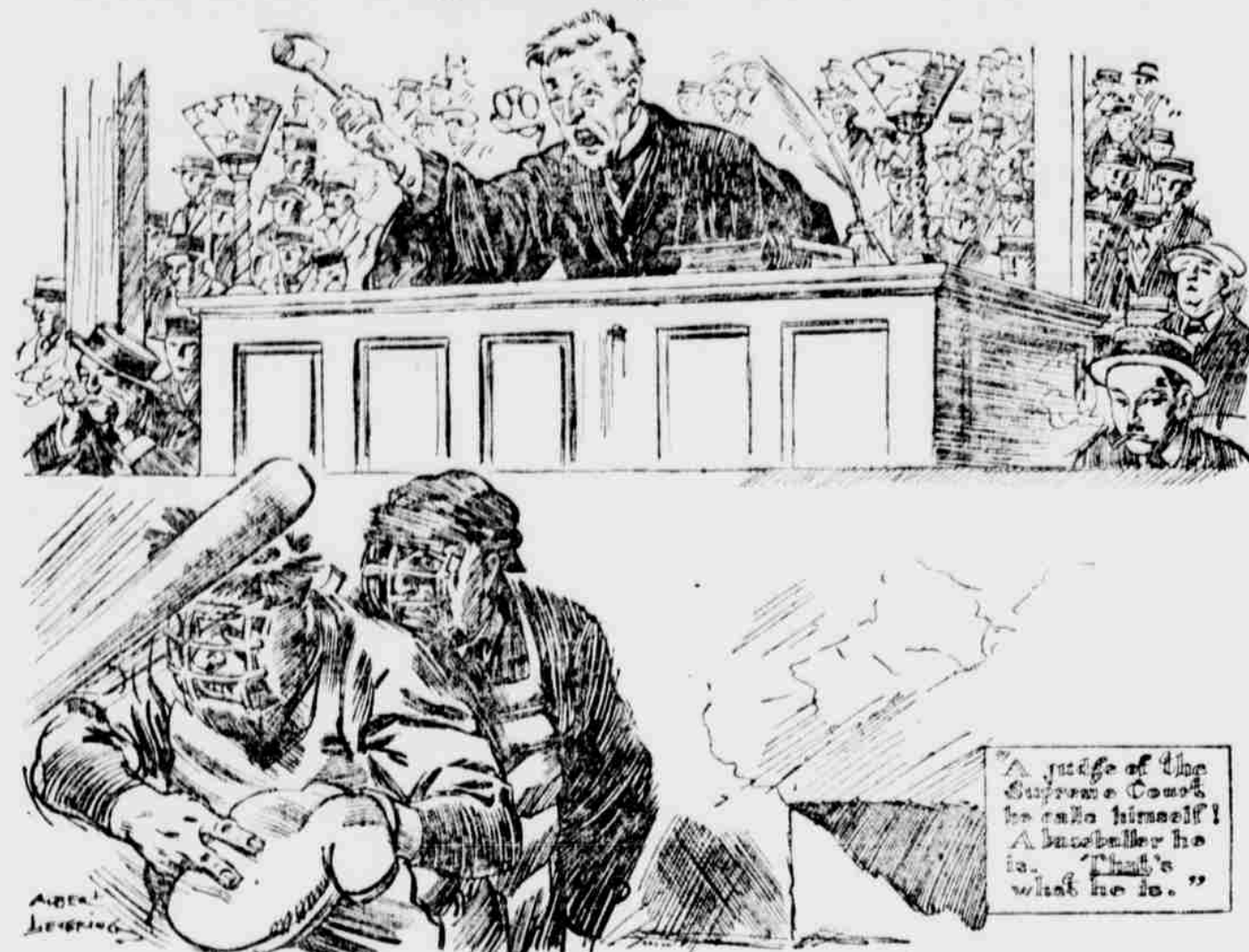
"The judge is no better than the lawyers, Abe," Morris said. "Half the lawsuits which come before the jury nowadays is due to the fact that in a certain case, one judge decided one thing, and in a similar case another judge decided the opposite. If there could be a national association of judges like there is a national association of credit men, and they could get together once a year and decide what is going to be the law in a certain case, anyhow until the next annual convention, y'understand, a whole lot of lawsuits would be saved. But the trouble with judges is that they once used to be lawyers and couldn't get over it. If a New York judge gets a case which is the same as a case decided by Judge Atlantic Ocean Schwarzkopf of Chicago, y'understand, does he go to work and hand out a similar decision? Over! He says, 'What does that schemel know about such things anyway? A judge of the supreme court he calls himself! A baseballer he is. That's what he is.' And if the New York judge turns around and decides just the opposite."

"Well, what could you expect from a judge of the New York supreme court when the judges of the United States supreme court—a first-class, number-one court like that—couldn't agree among themselves? Abe asked, "How do you read that in the newspapers where a case comes up before them, Mawruss, and then out of the five judges decided one way, and the other two have given what is called dissenting opinions."

"That's up to President Harding," Morris commented. "Which if I could be President Harding I would call new judges over to the white house and I would say to them, 'Boys! Boys! What are you quarreling for all the time? Couldn't you get along better than that? Why must two of you always stand out against the others? What are you—United States senators or something? And then if that didn't help things along I'd have to let you go and appoint a fresh bunch of judges.'"

"And would that do any good?" Abe asked. "You would go to work and appoint five more lawyers to be judges of the United States supreme court and the whole trouble would start over again."

"That's where you make a big mistake," Morris declared. "If I would be President, Abe, I would appoint to the supreme court only business men, and not lawyers. My idea is that if the supreme court would consist of business men instead of lawyers, they would get more consideration for business men instead of lawyers. As it is now, when a case comes before a court, and the judge has the say, Abe, the best lawyer wins out and not the best client. It's times the clients had a show as well as the lawyers. In fact, Abe, the whole country is run by lawyers. Who are the congressmen and senators? Lawyers. Who are the judges, the collectors of internal revenue, the state legislatures, Volstead Act, Mann of the Mann Act, governors and mayors? Lawyers. Abe, all lawyers. If this is a government from the people, with the



people and up to the people, as President Wilson said it was in his 14 points, Abe, people should get a look-in on the way roll as well as lawyers. Am I right or wrong?"

"Say!" Abe exclaimed, "Far be it from me to knock a lot of decent respectable fellows like judges, Mawruss, but at the same time I am bound to admit that if it would of been me, y'understand, I would of decided different in a whole lot of cases. Take, for instance, the Volstead Act, Mawruss, and I would of declared it unconstitutional as to anyone beer and one glass of schnappa before noon. Then take in the Police."

"Did the treasury department collect a war tax on what that senator paid for his seat in the senate?" Morris asked.

"I don't know," Abe replied, "but it's safe to say that the senator's lawyers—them same fellows that got him out of jail—wouldn't have no difficulty in showing the supreme court that the United States was not a place of amusement under section No. 422 of the internal revenue law and at the same time sticking the secretary of the treasury with almost a million dollars in disbursements."

"It's wonderful what lawyers can get away with on a technicality," Morris observed.

"I bet yer," Abe agreed. "For instance, if an inspector of police collects thousands of dollars from gamblers and then give them permits to run crooked gambling games, after he is sentenced to jail and his lawyers argue the case before the court of appeals, you would naturally think that the question to be decided was, 'Did the inspector collect money, and if so, was the game crooked, wouldn't you?'"

"Naturally," Morris said.

"Maybe naturally, but not legally," Abe continued. "Legally, after a criminal is found guilty of a crime and his case is appealed, it ain't the criminal who is on trial but the district attorney and the judge who tried him. The criminal's lawyers now accuse the district attorney of having asked the question: 'Where was you on the Fourth of July? Instead of the question: 'On the Fourth of July where were you?' They also accuse the judge of having allowed the district attorney to ask such a question, and do you suppose that it makes any difference to the court of appeals that the district attorney has a wife and six children to support and that the judge has been working for years as a judge and given complete satisfaction to his employers? Does it even make any difference to that court of appeals that the police inspector is a crook and a grafter? Over a stick. The court of appeals finds that the district attorney and the judge are guilty as charged and the police inspector leaves the courtroom without a grease spot on his character. Two weeks later he is reinstated with full back pay and all arrears of collection from the gamblers in his former inspection district, and that's the way it goes."

"Seemingly it's difficult to find a crook guilty these days and have him stay guilty," Morris commented.

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Oklahoma Still Has Wild Horses

Special to The World

STILLWATER, Okla., July 16.—When a tale of wild horses in Pushmataha county appeared a few days ago under an Antlers date line, newspaper readers accepted it with more than one "grain of salt." "Some hard-boiled newspaper writer's piece of fiction," they commented. "Tales of wild horses in Oklahoma passed with Washington Irving's tour of the prairie."

But the story is confirmed through the extension department of the A. and M. college. George Innes, farm demonstration agent for "Push county," is authority for the confirmation. It came to light as a result of the fight that is being waged to rid that county of Texas fever ticks and push the quarantine line further south.

The horses are not of the wild breed of the primeval prairie, though fully as untamed. The rough, untamed fastnesses of the Kiamichi mountains and foothills are responsible for their condition. A few Texas cow ponies broke away from the ranches at first, it is supposed.

"Well, it's like this, Mawruss," Abe explained. "The law is fixed on the theory that it's better to let a hundred crooks get away with murder rather than one honest man should get hung, y'understand, which makes it a hundred-to-one shot that before one murderer get hung, y'understand, a hundred honest men would get murdered. That's the criminal law, and the civil law ain't much better. Besides, Mawruss, just as doctors have got more experience with sickness than with health, y'understand, lawyers have got more experience with crookedness than with honesty. They know much more about how a crook can duck a contract than about how an honest man can enforce one, besides, lawyers get bigger reputations out of it. If in a lawsuit, a contract is held good, people lay it to the contract, but if the contract is lost, then people lay it to the lawyer."

"At that, Abe, in every lawsuit, one of the lawyers must lose," Morris commented. "You mean one of the clients must lose," Abe corrected, "which is when his client can't pay his bill, and that ain't often, Mawruss, because a wise lawyer looks up his client first and the law afterwards."

The most noticeable tendency toward more followers of fashion, in place of the supposedly "conservative" styles that followed the war, and have prevailed since. The belted blouse, white and yet bloused, is unquestionably losing favor and is slated for certain oblivion in the near future. —From the Philadelphia Record.

ROCHESTER, N. Y.—The new debate the style in men's clothing, the International Association of Clothing Designers, opened their 22d annual convention here the other day. Spring styles for 1922 show a tendency to get back to "olden" in the cut of neckwear, suits, and trousers. The pronounced feature of the waistline, accompanied by T-shaped skirts, are doomed to extinction. Trousers, too, are to be formed. Instead of clinging to the legs of the wearer, they will be more comfortably voluminous. And, however men will once more have a chance, as with the "short slacks," to whom the post-war styles have been long torture.

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